

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JAMES EDWARD McCARTHY, et al.,

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: July 31, 2008

Plaintiffs,

- against -

06 Civ. 2613 (DAB)
ADOPTION OF REPORT
AND RECOMMENDATION

BERNARD STOLLMAN and ESP-DISK,
Defendants.

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DEBORAH A. BATTS, United States District Judge.

This matter is before the Court upon the June 25, 2008 Report and Recommendation ("Report") of United States Magistrate Judge Debra Freeman.

According to 28 U.S.C. § 636(b) (1) (C), "[w]ithin ten days after being served with a copy, any party may serve and file written objections to such proposed findings and recommendations." 28 U.S.C. § 636(b) (1) (C); see also Fed. R. Civ. P. Rule 72(b) (stating that "[w]ithin 10 days after being served with a copy of the recommended disposition, a party may serve and file specific, written objections to the proposed findings and recommendations"). No objections to said Report and Recommendation have been filed.

Having reviewed the Report and Recommendation, and finding no clear error on the face of the record, see 28 U.S.C. § 636(b) (1) (B), it is hereby

ORDERED AND ADJUDGED as follows:

1. The Report and Recommendation of United States Magistrate Judge Debra Freeman, dated June 25, 2008, be and the same hereby is APPROVED, ADOPTED, and RATIFIED by the Court in its entirety;

2. The Defendants' Motion for Summary Judgment, entered on the docket as Document 29, is hereby DENIED without prejudice to renew, upon proper filing.

SO ORDERED.

DATED: New York, New York
July 31, 2008

Deborah A. Batts
Deborah A. Batts
United States District Judge